

REFUGEE STATUS REQUIRED FOR RESETTLEMENT IN THE UNITED STATES

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Homeland Security Studies

by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

REFUGEE STATUS REQUIRED FOR RESETTLEMENT IN THE UNITED STATES,
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Immigration is a predominant topic in the United States (US) today. There are more refugees in need of humanitarian assistance than at any other time in history. The US has been admitting thousands of refugees in numbers equivalent to mass migrations. Many of the refugees originate from the nations with terrorist extremist known for making terrorist threats against Western nations, and many Americans believe this increases the probability of a terrorist attack. The US has experienced mass migrations throughout history. The most overwhelming was the 1980 Cuban-Haitian mass migration. This thesis evaluates the criteria from the Cuban-Haitian migration that is applicable or no longer applicable today, with criteria applicable today for the approval of refugee status. This thesis will determine what can be learned from the criteria applied in 1980 and the changes enacted for the approval of refugee status today. US refugee laws mandate the procedures for Customs and Immigrations on the criteria for refugee status and entry into the US. Recommendations are based on refugee criteria.

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ACRONYMS

ABIS	Automated Biometric Identification System, DOD
CARRP	Controlled Application Review and Resolution Process
CBP	US Customs and Border Patrol (Formerly a component of the DOJ defunct INS agency)
CFR	US Code of Federal Regulation
CLASS	Consular Lookout and Support System, DOS
DEA	US Drug Enforcement Agency
DFBA	US DOD Defense Forensics and Biometrics Agency
DHS	US Department of Homeland Security
DOD	US Department of Defense
DOJ	US Department of Justice
DOS	US Department of State
FAM	Foreign Affairs Manual, DOS
FBI	US Federal Bureau of Investigations
FDNS	Fraud Detection and National Security Directorate
HHS	US Health and Human Services
IAC	Interagency Check
ICE	Immigration and Customs Enforcement (Formerly a component of the DOJ defunct INS agency)
IDENT	Automated Biometric Identification System, DHS
INA	Immigration and Nationality Act
INS	Immigration and Naturalization Service (A former agency of the DOJ from 1933 to 2003. With the creation of DHS, INS functions were transferred to three entities: USCIS, ICE, and CBP.)
IOM	International Organization for Migration

LPR	Lawful Permanent Residence
NGI	Next Generation Identification, FBI
NGO	Non-Governmental Organization
NTC-P	National Targeting Center-Passenger
NYC	New York City
OPE	Overseas Processing Entity
ORR	Office of Refugee Resettlement
PRM	Population, Refugees and Migration
RPC	Refugee Processing Center
RSC	Resettlement Support Centers
SAO	Security Advisory Opinion
UN	United Nations
UNHCR	UN High Commissioner for Refugees
US	United States
USC	US Code
USCIS	US Citizenship Immigration Services (Formerly a component of the DOJ defunct INS agency)
USRAP	US Refugee Admissions Program
WRAPS	Worldwide Refugee Admission Processing System

CHAPTER 1

INTRODUCTION

Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows world-wide welcome; her mild eyes command the air-bridged harbor that twin cities frame. “Keep ancient lands, your storied pomp!” cries she with silent lips. “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!”

— Emma Lazarus, *The New Colossus*

Background

Muslim and Christian refugees from Islamic nations in the Middle East and Africa have been fleeing by the hundreds of thousands to escape religious persecution by dangerous dictators, war, or terrorist groups such as the Islamic State of Iraq or Syria (ISIS), Al Qaeda, Al Nusra, Al Shabaab, and numerous iterations of radical Islamic extremist terrorist groups. The recent war in Syria generated a mass migration of refugees that created a global crisis. Due to geographic proximity, Europe received the largest number from the current flow of refugees from Syria. Germany alone received approximately one million refugees (Joffe 2016). This was a result of Prime Minister Angela Merkel’s open border policy that Germany welcomes all Syrian asylum-seekers (Hall and Lichfield 2015). Thousands of refugees were also welcomed and resettled in Belgium, France, and England. Some refugees were actually terrorists claiming to be refugees who then committed terrorist acts in Belgium and France killing and injuring multiple people. “The majority of Islamic State militants directly involved in carrying out the Paris and Brussels terrorist attacks used the Balkan route to enter Europe under the

guise of being refugees” (RT 2016). “The CIA said last year that the terrorist group’s official strategy is to hide its operatives among refugees entering Europe and the United States via human flows out of the Middle East and North Africa” (Scarborough 2017).

The United Nations High Commissioner for Refugees (UNHCR) is a United Nations (UN) sanctioned refugee agency that works around the world providing vital assistance to internally displaced people, refugees, and asylum seekers. The UNHCR assists with safe refuge of internally displaced people within their own country who are still under the protection of his or her government but have been displaced from his or her home due to conflict or humanitarian crises. The UNHCR assists refugees fleeing war or persecution with resettlement to another country, as well as asylum seekers already present in the US or seeking admission at a US port of entry. The UNHCR tracks data on people of concern to identify or predict trends of future refugee situations. The data is also used to plan where staff will need to deploy to provide assistance (UNHCR 2017a).

The UNHCR estimates that at the end of calendar year 2015, there were 16,121,427 million refugees and 3,219,941 million asylum-seekers (UNHCR 2017c). These numbers are at historically high rates with the referral number of refugees growing exceedingly for resettlement in nations other than the refugee’s country of origin. “The US is the largest refugee resettlement country in the world, admitting approximately two-thirds of all refugee resettlement referrals worldwide each year” (US DOS 2017c).

Quotas are set for the number of refugees the US will accept from around the world each fiscal year, and the US actively seeks to fill these quotas. Prior to fiscal year 2013, the number of refugees resettled to the US was typically less than 80 percent of the approved refugee admission ceiling that ranged between 70,000 and 80,000 each fiscal

year. Beginning in fiscal year 2013, the gap between the approved refugee admission ceiling and the refugees admitted diminished significantly. For fiscal years 2013 to 2015 the refugee admission ceiling was 70,000. In fiscal year 2016, the refugee admission ceiling increased to 85,000. For fiscal years 2013 to 2016, the number of refugees resettled to the US was approximately 99 percent of the approved refugee admission ceiling. The fiscal year 2017 refugee admission ceiling was increased to 110,000. For the four-month period of October 2016 thru January 2017, the US had already reached 29 percent of the approved refugee admission ceiling for the entire fiscal year (Refugee Processing Center 2017).

The ISIS terrorist group plans to have its operatives pose as refugees from the Middle East and Africa seeking safe haven in Western nations. The terrorist group has had success infiltrating refugees flows into Europe and committing terrorist acts. A large percentage of Africa's refugees resettled in the US came from the East African nation of Somalia. The Somalia based terrorist group Al Shabaab is an al-Qaeda affiliate and ISIS sympathizer. The group actively targets and attacks Westerners. For fiscal years 2013 to 2016, to include the four-month period of October 2016 thru January 2017, Somalia refugees comprised 39 percent of the refugees resettled to the US (Refugee Processing Center 2017).

ISIS has freedom to operate and conduct terrorist attacks throughout Afghanistan, Iraq, and Syria. Terrorist extremism has been ongoing in these countries for years and continues to escalate. Each fiscal year the number of refugees resettled from these high threat locations to the US increases at a steady rate. For fiscal years 2013 to 2016, and including the four-month period of October 2016 thru January 2017, Afghanistan, Iraq,

and Syria refugees comprised 66 percent of the refugees resettled to the US (Refugee Processing Center 2017).

The US resettles more refugees than any other nation. Despite the extraordinary humanitarian assistance by the US, the number of refugees in need is in the billions and continues to grow. The growing number of refugees resettling in the US are increasingly coming from extremely high threat locations and failed states occupied by numerous violent extremist groups. The incoming number of refugees is fast approaching levels of mass migration. Americans are concerned that ISIS operatives may infiltrate the growing refugee population resettled in the US since ISIS stated that is their plan. As the number of refugees resettled to the US increases exponentially each year, so too does the possibility of the ISIS plan coming to fruition.

Mass migration to the US is not a new phenomenon. The US is a nation founded by immigrants, most of whom emigrated via ship as part of mass migrations from foreign lands. Early mass migrations were an orderly process with entry of immigrant arrivals controlled at specific ports of entry. The immigrants came to America seeking to better their lives, not destroy the country that welcomed them. During the 20th century the world experienced World Wars I and II, the Korean and Vietnam Wars, and countries ruled by despots and tyrants. Millions of people around the world fled to new lands in search of safety and a better life. Consequently, the reasons for migrating to the US and the method of entry into the country began to change.

Starting in the 1970s through the 1990s, mass migrations transformed into the exodus of refugees from multiple countries seeking safe haven in the US. Most notable are the mass migrations of refugees from the Caribbean island nations of Cuba and Haiti,

both in close proximity to the US. Both nations have discharged a steady stream of refugees to the US since the mid-1950s, but in several instances culminated in mass migrations. The migration that had the most overwhelming impact on the US was in 1980. Hundreds of thousands of undocumented refugees from both Cuba and Haiti arrived via small boats to Florida's southern shores seeking asylum and creating an unprecedented humanitarian crisis for the US. US Immigration officials were overwhelmed with processing the undocumented refugees and verifying their claims for refugee status and asylum. At the same time of the mass migration of Cuban and Haitian refugees, Indochinese refugees were still fleeing en masse several years after the Vietnam War. The US had agreed to resettle more Indochinese refugees than any other nation. US Immigration officials were fully occupied with the 1980 planned resettlement of 166,000 Indochinese refugees when the undocumented Cubans and Haitians arrived on Florida's shores (Cerquone 1987, 5).

Immigrants are individuals who lawfully emigrate to the US, taking advantage of their ability to move freely around the world. Refugees are forced to flee their country for fear of persecution, war, or violence. Refugees are given a special status and priority placement over immigrants. Refugee organizations assist with their resettlement in the US or another nation for safe haven. Other refugees circumvent the system by arriving in the US illegally claiming to be a refugee and seeking asylum. Whether applying for resettlement from an overseas location or seeking asylum after arriving in the US, the burden of proof lies upon the immigrant to prove their claim for refugee status.

Primary and Secondary Research Questions

The Obama Administration planned to receive up to 110,000 refugees in fiscal year 2017, many with a country of origin in the Middle East and Africa. Some of the worst terrorist groups in history were borne from extremist ideology in these regions. These terrorist groups threaten the Western World, the US in particular, and intend to infiltrate the US through these refugee programs. On January 27, 2017, one of the first actions of the Trump Administration was to reduce the approved refugee admission ceiling to 50,000, as more than this number “would be detrimental to the interests of the United States” (US President 2017).

The Obama Administration’s planned 110,000 refugees to be received in one fiscal year is analogous to the 1980 massive influx of refugees from Cuba and Haiti. The flow of Haitian refugees began in 1979 continuing into and peaking in March and April 1980. The massive influx of Cubans peaked between May and June 1980. The Cuban and Haitian refugees claimed they were fleeing dictators, political persecution, and humanitarian crises. Before allowing the refugees to enter the country, the US reviewed the claims to verify if the refugees met the criteria for refugee status.

Refugee laws have changed over the years, most often to update, rectify, or clarify procedures for admitting refugees into the US. But whether the refugees admitted in a fiscal year in the US number 110,000 or 50,000, the criteria must be stringent.

Primary research question:

What criteria is applicable today for the approval of refugee status?

Secondary research questions:

1. What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today?
2. What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today?

Significance of the Study

The topic of immigration is a predominant issue in the US today. During the 2016 Presidential campaign, the politicians used immigration as part of their political party platform. The citizens of America have opposing views as to whether refugees from countries with known radical Islamic extremist should be prohibited or allowed entry into the US.

Considering the prevalence of terrorist threats, there have been relatively few terrorist attacks within US borders due to the natural barriers of the Atlantic and Pacific Oceans. ISIS has made real-world threats to infiltrate the refugee programs with terrorist impersonating refugees in order to gain admittance into the US and Western nations. With the US admitting thousands of refugees from the very nations making the terrorist threats, many Americans believe this increases the probabilities that the safety of the ocean's natural barriers will be breached by invitation of the US government.

Limitations

Migration to the US started before the birth of the nation and would be too wide-ranging to cover fully in this research paper. During the early 20th century the US government began to set immigrant quotas to regulate the influx of arrivals. Over the years, quotas have evolved to admission percentages applicable to regions of the world.

This still holds true today in order to avoid favoring one region over another. However, international crises are often addressed in an ad hoc manner for the admission of refugees causing fluctuations. Formulas applied for refugee admission are based on percentages of preapproved annual immigrant quotas, but can change rapidly and frequently depending on the urgency of the situations. To delve extensively into the formulas and quotas would become unwieldy and beyond the scope of this thesis.

Early immigrant information and census bureau data is available for public perusal, but current privacy laws prohibit public release of personally identifiable information. A brief history of immigration and immigration laws will be addressed in order to provide US historical context, and that the US is a nation built on immigration and welcomes immigrants. The research will be limited to published information and trackable data.

Delimitations

There have been multiple migrations throughout the history of the US. The great majority of migrations were immigrants who departed their country of origin of their own free will in search of economic prosperity. Others were immigrants in search of religious freedom or fleeing for their safety. The research will not address the African nationals who were brought to the US for the purpose of slavery, nor foreign nationals brought to the US as a result of human trafficking.

Immigration laws were enacted for many reasons, but primarily to regulate the influx of immigrants, to penalize illegal immigration, and for the creation of organizations to provide oversight of immigrants, refugees, and asylum seekers. The research regarding immigration laws will be delimited to the first Immigration and

Nationality Act (INA) created in 1952, the subsequent amendments of the INA, and additional laws enacted since 1952 based on the premise of the INA that pertain to refugees and asylum seekers. And more specifically, laws enacted as a result of the Cuban and Haitian boatlift crises in 1980, and the laws applicable today for the approval of refugee status and/or asylum.

Haiti and Cuba both have histories of tyrannical dictators who repressed their citizens to the point of inciting mass departures of refugees seeking safety in other nations. Others departed Haiti and Cuba for economic reasons and to seek employment. The proximity of the Caribbean island nations to the US has facilitated an easy path of migration to the US for generations. Covering the continual and mass migrations from Haiti and Cuba would be too extensive to cover thoroughly in this thesis. The analysis will be delimited to the mass migrations of Haiti and Cuba in 1980.

The research will be restricted to open-source data only. All information will be reviewed and extracted from domains accessible to the public. No classified, For Official Use Only, Sensitive But Unclassified, or Personally Identifiable Information will be addressed.

Key Terms

Admitted: With respect to an alien, the lawful entry of the alien into the US after inspection and authorization by an immigration officer (USCIS 2017a).

Alien: Any person not a citizen or national of the US (USCIS 2017a).

Asylee: A foreign national who meets the definition of refugee and is already present in the US or is seeking admission at a port of entry (USCIS 2017a).

Asylum: A protection status available to a person who meets the definition of refugee and is already present in the US or is seeking admission at a port of entry (USCIS 2017a).

Emigrate: To leave one's place of residence or country to live elsewhere (Merriam-Webster 2017).

Immigrant: A person residing in the US who was not a US citizen at birth. This population includes naturalized citizens, lawful permanent residents, certain nonimmigrants, those admitted under refugee or asylee status, and persons illegally residing in the US (USCIS 2017a).

Immigrant visa: For travel to live permanently in the US (US DOS 2017a).

Immigrate: To come into a country of which one is not a native for permanent residence (Merriam-Webster 2017).

Internally Displaced Person: A person forced from his or her home but still in his or her country and under the protection of the government (UNHCR 2017d).

Lawful Permanent Residents: Person granted lawful permanent residence in the US, also known as "green card" recipients (USCIS 2017a).

Migrate: To move from one country, place, or locality to another (Merriam-Webster 2017).

Naturalization: When a person not born in the US voluntarily becomes a US citizen (USCIS 2017a).

Parole: With respect to an alien, USCIS allows an individual, who may be inadmissible or otherwise ineligible for admission into the US, to enter the US for a temporary period (USCIS 2017a).

Refugee: A person outside his or her country of nationality who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion (USCIS 2017a).

Visa: A travel document issued by the traveler's country of citizenship that approves travel to the US (USCIS 2017a).

CHAPTER 2

LITERATURE REVIEW

Introduction

Humans have been migrating for millennia in search of food, warmth, and safety. Throughout the evolution from prehistoric man to modern man, humans have migrated en masse in search of a better life. During the nascent years of America, millions of immigrants emigrated from their home countries to the US believing they would find that better life in the “New World.” The background information will convey the significance and impact immigration had on building the nation. The mass migrations to the US have required the enactment of laws and government organizations to implement the laws ensuring accountability and fair treatment of immigrants. Further discussion will include a summary of the demographics of mass migrations to the US during the formative years of the country.

The conceptual framework of the thesis begins with the current US government organizations involved in the refugee admission program. Like the proverb, “it takes a village to raise a child,” it takes a cooperative of organizations to support the resettlement of refugees. These organizations conduct refugee resettlement in accordance with US immigration laws and US Congressional oversight. A review of historical immigration laws will provide the background that led to the immigration laws in place today.

Early immigration history of the US was based on government policy that all immigrants were welcomed, but this resulted in historical mass migrations. The US government enacted immigration laws in an attempt to control the demographics of incoming immigrants, but over time the US government amended immigration laws

emphasizing the importance of family reunification. For historical context and the foundational basis of this thesis, the data gathered will focus on the migrations of Cubans and Haitians. The multiple mass migrations from these two nations and arrival of hundreds of thousands of undocumented immigrants on US southern shores had direct impact on US immigration laws.

United States Government Organizations

The Department of State (DOS) Bureau of Population, Refugees and Migration (PRM) has overall management responsibility of the United States Refugee Admissions Program (USRAP) overseas. USRAP is an immigration and refugee program led by DOS in partnership with multiple agencies. USRAP is administered by multiple organizations, governmental and non-governmental, working together as a collective identifying and processing refugees for resettlement in the US (USCIS 2016).

The program begins with PRM evaluating the worldwide refugee situation provided by UNHCR, proposing admissions ceilings, and processing priorities. UNHCR reviews resettlement applications, applies the appropriate processing priority, and refers the cases to the USRAP. Refugees are prioritized in three groups: P-1 Referral is for resettlement consideration submitted primarily by UNHCR, and on occasion by a US Embassy or non-government organization (NGO). P-2 Groups of Special Concern is also a referral for resettlement consideration, and also submitted primarily by UNHCR, and on occasion by a US Embassy or NGO. P-3 Family Reunification is submitted by a qualified family member requesting resettlement and sponsorship of the refugee. P-1 and P-2 referrals are forwarded to DOS for review by a US Refugee Coordinator, who then forwards the referral application to a Resettlement Support Centers (RSC). RSCs operate

under a cooperative agreement with DOS and consist of international organizations or non-governmental organizations. The Centers are charged with the administrative and processing functions, such as file preparation and storage, data collection and out-processing activities. P-3 applications are sent to a DOS Refugee Processing Center who then forwards the application to US Citizenship Immigration Services (USCIS), a division within US Department of Homeland Security (US DHS), for familial relationship verification. If the relationship is verified, the application is forwarded to a RSC (USCIS 2016).

All priority groups, P-1, P-2, and P-3, are sent to a RSC where applicants are educated on the process and the biographic security check is initiated. DOS and USCIS work together gathering and entering refugee information in a database, which is reviewed during the security screening process. USCIS captures fingerprints, verifies biographic information, conducts the interview, and adjudicates applications for refugee status by determining the validity of the persecution claim, if the applicant is settled in a third nation, and if the applicant is admissible to the US. USCIS conducts additional reviews on case decisions. DHS is the only agency with authority to approve refugee resettlement to the US. Applicants who are approved move forward for medical screening. The screenings are reviewed by the Department of Health and Human Services (HHS). If the applicant clears all checks and screenings, the RSC provides a US cultural orientation. The International Organization for Migration (IOM) is a DOS contractor serving as a travel agent for USRAP. IOM schedule the travel to the US for the refugee, and provides travel loans. The Office of Refugee Resettlement domestic resettlement benefits and NGOs provides assistance and services for arriving refugees. The Bureau of

Customs and Border Protection (CBP), a division within DHS, conducts additional background checks to screen arriving refugees for admission at the port of entry. The USRAP flowchart for processing refugee admissions is located at Appendix A (USCIS 2016).

United States Immigration Laws

The US government governs immigration by establishing immigration laws. The laws define refugee and asylum, and details the authority to grant entry or deportation of refugees or asylees. Congress enacted immigration laws that mandated the creation of government agencies to develop immigration programs and provide oversight of the immigration process. Agencies involved in the refugee and asylum process refer to the immigration laws ensuring they reference current laws and operate within the rules set by Congress.

The regulation of US immigration began shortly after the birth of the nation. Laws or statutes were enacted to control immigrant flows and demographics. Immigration is ever evolving requiring Congress to amend laws bringing them up-to-date to meet modern day situations. The Naturalization Act of 1790 was the first immigration law enacted to establish rules for naturalization. The Act granted only white people eligibility to naturalize. In 1870, an amendment extended the right of citizenship to those of African origin. The Emergency Quota Act of 1921 set the first quotas based on nationality when large groups of arriving immigrants originated from countries other than Northern and Western Europe. The National Origins Quota Act of 1924 restricted immigrant quotas even further by introducing a numerical formula based on the 1890 census in an attempt to restore earlier immigration patterns. Subsequent laws were enacted to set quotas or ban

Southern and Eastern European, Asian, and African immigrants. The Immigration Act of 1943 repealed the Chinese Exclusion Act of 1882 and allowed a limited number of Chinese to immigrate to the US (Cohn 2015). Over time, immigration laws setting quotas for voluntary immigrant migrations to the US became a standard legislative process.

World War II brought on a migration crisis that required the assistance of multiple nations to assist with the displacement of Europeans fleeing for safety. The US passed the Displaced Persons Act of 1948 authorizing the admission of eligible displaced persons in Europe resulting from World War II and Nazi persecution. Under this Act, by 1952 the US admitted over 400,000 displaced persons from Europe (US DHS 2016). The UNHCR was created in 1950 to assist the displaced Europeans. The 1951 Refugee Convention, ratified by 145 state parties (including the US), formed the basis of the UNHCR work (UNHCR 2017b). The enactment of the Refugee Relief Act of 1953 and the Fair Share Act of 1960 committed the US to providing additional assistance with European refugee resettlement (US DHS 2016). The Refugee Relief Act of 1953 increased the number of refugees the US would accept from Europe (Refugee Relief Act of 1953). The Fair Share Act of 1960 legislated assisting with the UNHCR's mandate for resettlement of Europe's refugee-escapees (Fair Share Act of 1960).

Today the basic body of immigration law is the INA of 1952 (USCIS 2013a). The INA has been amended several times with various sections updated, added to, deleted, repealed, or replaced. The basic body of the INA, amended Sections of the INA, and subsequent immigration laws govern immigration. Although there have been amendments to the INA of 1952, the discriminatory quotas remained. The 1960s saw civil rights progress toward more equality and considered the discriminatory quotas set in

the early 1900s insufferably racist. In 1965, Congress repealed and eliminated the discriminatory quotas (Massey and Pren 2012). The current immigration laws contain no racial discriminators for immigration. However, with the current terrorist threat “Congress has determined that some individuals should not be allowed entry into the US. Terrorism-related inadmissibility grounds exclude persons who have participated in various kinds of activity, including activity that is generally illegal and/or violent” (USCIS 2017c).

The INA of 1952 authorized admission of any alien who “proves that he is seeking admission to the United States to avoid religious persecution in the country of his last permanent residence” (INA of 1952). Today the term “refugee” refers to an alien fleeing persecution. The Refugee Act of 1980 expanded the terms of persecution to a “well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” (Refugee Act of 1980).

The 1980 mass migration of undocumented Cuban and Haitian immigrants arriving on US shores required the US government to refer to the Refugee Act of 1980. The Act stated that “Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands” (Refugee Act of 1980). The Cubans and Haitians requested asylum, which is a protective status for foreign nationals already in the US or seeking admission at a port of entry. The Act authorized the Attorney General to grant asylum and parole if the alien qualified for refugee status. If the alien did not qualify for refugee status, the Attorney General could order deportation of the alien unless doing so risked the alien’s life or freedom. (Refugee Act of 1980). The Refugee Act of 1980 definition and qualification for refugee status

endures today. All aliens applying for refugee status, including those from the Middle East and Africa, will be reviewed based on the criterion of fear of persecution.

Changing the criteria as to what categories the fear of persecution would apply for refugee status would require enactment of a new INA law or an amendment to the Refugee Act. New immigration laws start out as a bill that must first be reviewed by the two chambers of US Congress, the House of Representatives and the Senate. The bill must be passed by a majority vote in both chambers, then it is signed by the President. If the President vetoes the bill, a two-thirds vote in Congress is required to override the veto. Afterwards, the bill becomes a law, or a statute. Permanent immigration laws are then codified into the United States Code (USC). Another source of immigration law is created by the President of the United States through Executive Orders. This Presidential power comes from Congress and the Constitution, and has the full force of law (GovTrak 2004). The signed Executive Order is sent to the Office of the Federal Register (OFR). The OFR numbers the Executive Order then publishes it in the daily Federal Register. (Federal Register 2017).

Annual limits are set each year for legal immigration with numerical numbers set by region to ensure certain countries are not underrepresented. Refugees and asylum seekers are not included in the legal immigration limits as the refugee and asylum situation is ever-changing. The immigration laws take into consideration the potential for refugees and asylum seekers, and provides the refugee and asylum definitions and the requirements for meeting their qualifications. All US government agencies involved in the refugee process must refer to the immigration laws when identifying and processing refugees for resettlement to the US. The immigration laws give the Attorney General the

authority to grant asylum and special admissions for urgent humanitarian reason or if it is a significant public benefit.

United States Immigration History

The US is a nation founded and built by individuals who migrated from foreign lands. The reasons for immigrating to the US are many, but with the early mass migrations most were those seeking employment and economic prosperity. The earliest settlers migrated to America in search of religious freedom. As was the case for the Pilgrims who, in September 1620, sailed from England on the ship Mayflower landing in December at Plymouth Harbor in the New World (History.com 2009).

After the arrival of the early Pilgrims, there were multiple waves of immigrant migrations. Greedy ship owners and Captains packed ships with passengers giving little consideration to their well-being. The long voyages, cramped cargo holds, and unhealthy conditions often resulted in rampant disease outbreaks and death (Library of Congress 2014). On March 2, 1819, the US Congress passed the Steerage Act regulating passenger vessels. All passengers were listed on the ships manifest, with no more than two people allowed on board for every five tons of goods. If exceeded, the vessel was seized. All ships originating from Europe that sailed to the US were required to have adequate supplies of food and water for all passengers (Steerage Act of 1819).

Every immigrant presented their travel documents to the customs officials who confirmed their name was listed on the ship's manifest for approved passage to America. The passenger manifests included: "a person's nationality, place of birth, ship name and date of entry to the US, age, height, eye and hair color, profession, place of last residence, name and address of relatives they were joining in the US, and amount of money they

were carrying, etc.” (US National Archives and Records Administration 2016). The passenger travel documents, also known as passenger arrival records, immigration records, or naturalization records, and the manifests became permanent records of US immigrant history. As late as the middle of the 20th century, mass migrations originating from overseas arrived via ships at ports of entry on the east and west coasts with immigrant inspection stations to process the arrivals.

A primary effect of the mass migrations is that America is a *mélange* of multiple immigrant groups that integrated aspects of their birth culture with their new culture. The outcome is an American culture so eclectic and unique it is unlike any other culture in the world. The American English language directly reflects America’s diversity containing words borrowed from Native American languages, as well as words from multiple foreign languages introduced by early immigrants. Noah Webster stated, “Numerous local causes, such as a new country, new associations of people, new combinations of ideas in arts and sciences, and some intercourse with tribes wholly unknown in Europe, will introduce new words into the American tongue” (Mencken 1921, 1).

Along with learning a new language was a new culture and a new way of life. Many European immigrants planned to maintain their old culture and way of life, but their children decided otherwise. Most acculturated to the American way of life easily adapting to the higher standard of living and learning English quickly (US History.org 2017). While there are multiple enclaves throughout the US where immigrant clusters continue to observe religious practices of their ancestral country and have retained significant cultural mores, historically, most have assimilated to American culture and live harmoniously within multicultural communities.

Mass Migration Demographics

In the 18th century until the year 1965, over 31 million immigrants from Europe settled in the US. The period from 1820 to 1880 saw the largest migration waves due to Ireland's potato famine, the industrial revolution, the trans-continental railroad, and the California Gold Rush. During the 1850s, the first quantifiable wave of Asian immigrants arrived with 230,000 from China, but would not immigrate in significant numbers again until after 1965. Also, quantifiable from 1930 to 1965 were 610,000 immigrants from Mexico and 310,000 from the Caribbean and West Indies region. Prior to 1965, immigration quotas favored Western Europeans. The INA of 1965 eliminated racial quotas and the preference for Western Europeans. The Act changed the profile for approved immigrant resettlement from skilled labor to family reunification. Immigrants living in the US who had become naturalized citizens could sponsor relatives from their native country to resettle in the US. Within five years, Asian immigration grew exponentially to 3.6 million (Liberty-Ellis Island Foundation 2017).

Cuba Migration History

Cubans have been immigrating to the US for over a hundred years. Prior to 1959, Cubans regularly emigrated to the US. With a distance of approximately 110 miles from Cuba to the southern Florida shoreline, a short boat ride through the Florida Straits facilitated ease of arrival. Starting in 1959, Fidel Castro overtook the presidency of Cuba as a communist leader declaring Cuba a Soviet nation and established diplomatic relations with the Soviet Union. Castro took total control of Cuba. He suspended civil rights, ended free elections, expropriated private land, as well as all companies owned by

US firms, confiscated all small business in Cuba, including the peddler trade, and shut down any newspapers that dared to speak out against him (Larzelere 1988, 27).

Prior to 1959, Cuban citizens emigrated to the US for economic reasons and/or to join family members who had previously emigrated. When Castro came to power in 1959, many Cuban citizens were stripped of their livelihoods and most aspects of their lives were under State control. The Cuban citizens felt they could no longer live under the control of the repressive dictator and began to leave the island in droves.

To the Cuban government, the exiles represented a dangerous class of people who ideologically opposed communism in Cuba. To the US, Cuban refugees reinforced the virtues of the American system through their rejection of communism. On September 28, 1965, Castro opened up emigration and invited Cuban-Americans to travel to the Cuban Port of Camarioca to pick up their relatives with a starting date of October 10, 1965. Over the next month, about 160 boats left south Florida and went to Camarioca where they picked up 2,866 Cubans. (Engstrom 1997, 25)

In 1980, Fidel Castro planned to send hundreds of Cuban military troops to fight in the Ethiopian Civil War. This combined with more than two decades under Castro's repressive regime was a breaking point for the Cuban citizens. On April 6, 1980, more than 10,000 Cubans sought asylum at the Peruvian Embassy. Initially, the US considered it a Latin American problem. The Refugee Act of 1980, effective April 1, 1980, increased the limit for refugee admissions to 50,000 per fiscal year. Eventually, under the authority of the 1980 Refugee Act, the US agreed to the entry of 3,500 Cubans (Larzelere 1988, 235).

During this timeframe, Castro seized the opportunity to ease housing shortages, unemployment problems, and strengthen the Revolution by removing dissidents and potential troublemakers from the country. Castro told the Cuban exile community it was their chance to reunite with their families. Radio broadcasts from Havana that reached

southern Florida invited Cuban exiles in the US to come to the Mariel Harbor to pick up refugees from the Peruvian Embassy and relatives who wanted to leave Cuba. Castro bussed refugees, “undesirables,” and former prisoners to the Port of Camarioca for boat pick up by their relatives (Larzelere 1988, 126).

There was a continual flow of Cubans emigrating to the US during the entirety of Castro’s regime. But in 1980, the steady flow ruptured into a refugee crisis not previously experienced because of the uncontrolled mass exodus of refugees arriving by small boats to Florida’s southern shores undocumented and seeking asylum. By week two of the boatlift, American INS officials noticed that the appearance of the Cuban men was hardened and rougher than earlier refugee arrivals. The INS concluded Castro’s tactics went beyond housing and unemployment. Castro was also emptying the nation’s prisons of hard-core criminals and mental institutions of mental patients. (Hamm 1995, 51). “For a period of several months in 1980, over 125,000 Cuban nationals arrived in southern Florida” (Engstrom 1997, 1).

Because thousands of Cuban nationals arrived in southern Florida undocumented and their status initially undeterminable, several refugee camps were set up where the immigrants were detained for processing. Immigration officials were overwhelmed by the massive number of immigrants and the process was slow. The processing was slow because the Cuban immigrants could not be granted asylum if they did not qualify for refugee status first, and refugee status did not apply. Fidel Castro was a dictator, but the Cubans were not fleeing persecution and were allowed to leave the communist nation at the invitation of Castro. The immigrant detainees were demanding to be released and

became riotous at some of the refugee camps. Security measures were implemented, and the government had to streamline its relocation policy.

President Carter decided to delay making a decision on legal status and resettlement benefits until it became clearer the number of arriving immigrants and their status claims. Haitian immigrants were arriving in southern Florida en masse as well, via boat, undocumented, and seeking asylum. At first Haitian immigrants were returned to Haiti, but an outcry of unfair treatment between Haitian and Cuban immigrants resulted in a joint legal status that covered both Haitian and Cuban immigrants. The Carter Administration requested a special legislation option that created a new immigration category called “Cuban-Haitian Entrant.” With this new immigration category, which was specific to Haitian and Cuban immigrants only, the immigrants were allowed to stay in the US legally. After two years, the Cuban-Haitian Entrant could adjust their status to permanent resident aliens, also known as lawful permanent resident (LPR), and then naturalization if they applied and qualified (Engstrom 1997, 161).

Haiti Migration History

Haiti is located on the western half of the island of Hispaniola and the eastern half of the island is the nation of the Dominican Republic. Haitian emigration flowed into the Dominican Republic until the 1930s when a massacre of Haitians was ordered by the Dominican dictator Rafael Trujillo (Loescher and Scanlan 1984, 315). During the early 20th century, Haitians emigrated to the US and other islands in the Caribbean seeking work.

In 1957, Dr. (Papa Doc) Francois Duvalier assumed power of Haiti. The country was already a struggling at that time, but during Duvalier’s regime the situation degraded

to one of the poorest countries in the world. Favored by the Haitian military junta, Duvalier used the junta to create a paramilitary force. Duvalier's forces had free reign to terrorize Haitian citizens using any method and means they chose and to any extent. This caused a wave of mass emigration with thousands fleeing to other islands and nations, most going to the US (Loescher and Scanlan 1984, 318). "This first wave of emigrants in the 1950s was primarily former government officials and politicians, professionals, and middle-class persons" (Loescher and Scanlan 1984, 319). Duvalier allowed these people to leave because their seized property and emigrant remittances became a source of revenue that maintained his regime.

The US supported Duvalier's accession to power and maintained a close relationship with him for many years. "The US provided economic assistance while Duvalier maintained an anti-communism stance and supported American positions in the United Nations and the Organization of American States" (Loescher and Scanlan 1984, 320). But by the time President Kennedy came into office, Duvalier's human atrocities had become so extreme Kennedy discontinued the relationship. By the 1960s, Francois Duvalier had become one of the most repressive leaders in the world. This led to the first boat loads of Haitians fleeing to Florida's southern shores in 1963. In April 1971, after Francois Duvalier's death, his son (Baby Doc) Jean-Claude Duvalier assumed the role of president, hoping that Baby Doc would be less repressive than Papa Doc, but that was not the case. Baby Doc continued the dictatorship, and beginning in late 1972 the flow of boats to the US became continuous (Loescher and Scanlan 1984, 327).

Haitians were immediately processed for exclusion and returned, but Haitians immigrants kept coming seeking asylum. There was a big increase that started in mid-

1979 that grew steadily until April 1980 leading to an overall total of 25,000. The flow of Haitian immigrants reached its highest level of 11,000 during March and April 1980. The jump in undocumented Haitian immigrants arriving on Florida shores collided with the arrival of the 125,000 undocumented Cubans. In the early stages of this mass asylum crisis Cubans were paroled into the US, while Haitians were excluded and returned because the INS viewed the Haitians as economic refugees. INS based their view on reports from DOS, and DOS did not advise INS of political persecution in Haiti. Thus, the INS position was that Cubans were fleeing for political reasons, but Haitians were fleeing for the purpose of obtaining employment (Loescher and Scanlan, 1984, 327). The reality was that both Haiti and Cuba were ruled by dictators and to exclude and return only Haitians was a discriminatory practice. This was in direct contrast to the INA that had eliminated all racial discriminators. The US could no longer use anti-communism as justification for paroling only Cubans. Ultimately, Haitians were paroled as well under the new Cuban-Haitian Entrant immigration status.

Cuba and Haiti 1980 Refugee and Asylum Criteria

Under the Refugee Act of 1980, the criteria for refugee status applied to someone who fled his or her country “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” (Refugee Act of 1980). An alien already in the US or at a port of entry could request asylum if he or she qualified for refugee status. The burden of proof of persecution fell upon the individual.

The 125,000 Cubans and 25,000 Haitians did not qualify as refugees as they could not prove persecution. Conventional belief was that both Haitians and Cubans were

escaping repression and abject poverty, but the Cubans were also escaping communism. The US view of the Cuban immigrants was that they were rejecting communism. The US could not exclude and return the Cubans because that would support any anti-US rhetoric from Fidel Castro, and the US could not exclude and return the Haitians because doing so would have demonstrated a clear preference and discrimination for one group over the other.

The Attorney General had the discretionary authority to grant asylum and parole an immigrant rather than exclude and return if doing so would threaten the immigrant's life or freedom. Under the Refugee Act of 1980, "In such special circumstances, the President, after appropriate consultation with Congressional Committees, with respect to the admission of refugees" may make adjustments. "The admission of certain refugees in response to the emergency refugee situation is justified by grave concerns or is otherwise in the national interest" (Refugee Act of 1980). Under this provision, the President "requested a special legislation option that created a new immigration category called Cuban-Haitian Entrant" (Engstrom 1997, 161). The new status of Cuban-Haitian Entrant created by the President paroled the Haitians and Cubans into the US, gave them refugee benefits, and after two years allowed the entrants to apply for LPR.

The criteria that would have rendered any immigrant ineligible for entry into the US, including any Cuban-Haitian Entrant, was if the Attorney General determined that:

- (A) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;
- (B) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

- (C) there are serious reasons for considering that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;
- (D) there are reasonable grounds for regarding the alien as a danger to the security of the United States. (Refugee Act of 1980)

Current Refugee Eligibility

The definition for refugee has remained the same since the Refugee Act of 1980, which applied during the 1980 Cuban and Haitian refugee crisis. The Act's terms and criteria are still applicable today. USCIS is a subdivision of DHS with the authority to determine and approve refugee eligibility for resettlement to the US on a case-by-case basis. The USCIS officer is specially-trained to conduct the interview for the purpose of gathering information to compare for inconsistencies with the information entered in a database by DOS and DHS during the referral process. The refugee's claims of persecution will be evaluated for credibility by the USCIS officer with the known conditions in the country of origin. All testimony and relevant evidence will be examined to determine if the applicant has demonstrated that they were persecuted or fear persecution due to race, religion, nationality, political opinion, or membership in a particular social group. The interview will "determine if the applicant is qualified under a designated processing priority, meets the definition of a refugee, is not firmly resettled in a third country, and is otherwise admissible under US law" (USCIS 2013b).

A completed and approved security check is required for eligibility. There are a variety of reasons an applicant can be found inadmissible to the US, including criminal, health (to include disease and mental illness), or security-related grounds. An immigrant does not meet the definition of refugee if the person has left his or her home only to seek a more prosperous life, also known as an economic migrant. Additionally, "a refugee

does not include anyone who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion” (USCIS 2017b).

Current Asylum Eligibility

An immigrant who has entered the US may apply for asylum within one year. Entry into the US may have been facilitated through a travel or immigrant visa, brought to the US through interdiction in international or US waters, illegal entry, or arrival at a designated port of entry asking for entry. “Asylum status is a form of protection available to people who meet the definition of refugee, are already in the United States, and are seeking admission at a port of entry” (USCIS 2015). The Attorney General will grant the asylum and allow the applicant to remain in the US if it is in the public interest. Exceptions to the granting of asylum are equivalent to the granting of refugee status as the applicant must also meet the definition of refugee.

Current Refugee Processing and Screening

To be considered for resettlement to the US, the refugee process begins with a referral to USRAP. Most referrals come through UNHCR, but occasionally DOS or an NGO may make a referral. Following are the series of steps for approval, which are discussed in greater detail in Appendix B. The first step is the Registration and Data Collection which is gathered by the RSC from the applicant’s interview and application for resettlement. In step two, the Security Checks begin with multiple US national security agencies using the screening data gathered by the RSC. Refugees are screened more carefully, with Syrian applicants receiving a more enhanced review. Security

checks are discussed more thoroughly at Appendix C. Step three is the DHS interview. DHS reviews the results of the security screening and verifies the data with an in-person interview of the applicant. If new information is gleaned from the interview, additional security checks are required. If inconsistencies are noted, the case is put on hold until resolved. Step four is the Biometric Security Checks involving the collection of fingerprints and processed through the FBI database. If there are problems, the case is denied (DOS 2017b).

If the applicant passes through steps one through four, he or she will then move on to step five and complete a course in Cultural Orientation for introduction to American culture and customs. Also during step five is a Medical Check and screening for diseases of public health significance. If the applicant receives a medical clearance, step six is the Assignment to Domestic Resettlement Locations and Travel. Domestic resettlement agencies meet to determine the resettlement location, book the travel, and schedule a final screening with CBP. Step seven is the final step with the refugee's arrival in the US and welcome reception by the resettlement agencies (DOS 2017b).

Summary

The US is a nation founded by immigrants. As each generation of immigrants acculturated to the American way of life, there would be growing concerns with the next wave of incoming immigrants. Each mass migration since the 18th century caused concerns that the masses would change the composition of the nation by not assimilating, overcrowd population centers, take away jobs from the current citizenry, or introduce diseases foreign to America. Immigration laws were enacted to control the flow of immigrants and government organizations to oversee the laws.

Immigration laws have been enacted for the protection and processing of refugees and asylum seekers. The 1980 mass migrations from the Caribbean island nations of Haiti and Cuba tested the limits of US immigration laws and the tolerance of America's people. This required the creation of a special category for the Cuban-Haitian Entrant. The immigration laws for refugees continue with the perpetual concern of protection for those fleeing persecution, and emphasizing the importance of family reunification. But national security has become the first priority requiring all refugees and asylum seekers to endure a strict security screening process.

CHAPTER 3

RESEARCH METHODOLOGY

Introduction

Annually, the US determines the maximum number of refugees to be admitted. Various US agencies then collaborate with UNHCR to resettle immigrants who qualify for refugee status. This thesis examines current qualifying criteria for refugee and asylum status for comparison to the refugee status criteria applied during the 1980 Cuban and Haitian boatlift crises. Research is qualitative with secondary source analysis of historical data and refugee and asylum laws to answer the research questions.

Research Questions

Primary research question:

What criteria is applicable today for the approval of refugee status?

Secondary research questions:

1. What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today?
2. What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today?

Methodology

The methodology used for this thesis is a qualitative research design. The research is primarily exploratory using a variety of secondary data sources for analysis and interpretation. The unstructured text data is not conducive to quantitative analysis, but it does allow for the ability to discover trends. US government organizations will be

scrutinized to assess which agencies are involved in the refugee process, the partnerships, and their part in the refugee referral process for successful resettlement to the US. The next construct of the qualitative research will be the review of US immigration laws. Immigration laws were first enacted in the 18th century, but were not organized, consolidated, and codified until 1952. The INA of 1952 continues to be the basic body of immigration law, but has been amended multiple times.

The qualitative research of refugee and asylum laws requires a detailed review of current refugee and asylum laws and tracking changes since the enactment of the INA of 1952. The research must be conducted starting with the INA of 1952 because it is still the basic body of immigration law. Amendments to the INA of 1952 are separate Acts that reference only specific sections of the INA of 1952 that have been amended. Since 1952, several stand-alone laws have been enacted to specifically address refugee crises. The amendments to the INA of 1952 are still cited as the INA but cite the year of the amendment. For example, the INA of 1986. INA amendments at times incorporate stand-alone refugee laws subsequent to 1952, or amend, add, and/or repeal the stand-alone refugee laws, or amend, add, and/or repeal sections of a previous amendment, or the INA of 1952. Tracking amendment changes can be an arduous process, as the amendment may only cite that the information amended, added, and/or repealed is applicable to a section of a previous amendment, stand-alone refugee law, or the INA of 1952. All documents cited must be reviewed to track the change.

The qualitative research includes a review of immigration history for a clearer understanding of immigration and its positive and negative impact on the US. Immigration to the US began as a way to escape religious persecution then evolved to

mass economic migration. First came the skilled laborers, followed by refugees and asylum seekers escaping wars, tyrannical leaders, or natural disasters, then came their families with the focus on family reunification. Mass migration can be for economic prosperity, fleeing persecution, or as a tool used at will by despots. The leaders of both Cuba and Haiti exercised absolute power, causing a mass exodus of their citizens fleeing to the US for safety. The Cuban government took advantage of the situation to rid the nation of dissidents, criminals, and the mentally insane. The 1980 Cuban and Haitian boatlift crises were the most significant mass migrations in recent US history.

The qualitative research will conduct compare and contrast analysis of the refugee laws to discern the differences, if any, between the refugee laws that were in effect during the 1980 Cuban and Haitian boatlift crises, and the laws that apply to refugees and asylum seekers today. The focus will be within-case analysis for themes and cross-case analysis for the similarities and differences in the admission of the refugees from each country and their experiences with regard to gaining asylum in the US.

I am using the criteria discerned from the 1980 Cuban and Haitian mass migration case studies for refugee status approval, and will compare it to the criteria applicable today for refugee status approval. My analysis will answer the primary and secondary questions. My review and analysis of primary source data from immigration laws and amendments of the laws will assist with answering the primary research question of what criteria is applicable today for the approval of refugee status, and the secondary research question of what criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today. My review and analysis of secondary source data will assist with

the secondary question as to what can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today.

Summary

The US resettles more refugees than any other nation, in numbers equivalent to mass migrations. Prior to resettlement, the immigrant must prove his or her claim for refugee status. This thesis employs qualitative research analyzing current refugee laws for comparison to refugee status criteria applied during the 1980 Cuban and Haitian boatlift crises. With the growing need for refugee resettlement and the US taking the lead, this thesis discerns what historical criteria is still applicable today and what were the necessary changes.

CHAPTER 4

ANALYSIS

Introduction

The number of refugees requiring humanitarian assistance has reached epic levels never before seen in modern times. These refugees are all over the world, and many nations offer monetary assistance or open their borders offering resettlement opportunities. The US does both, and every year thousands of bona fide refugees are resettled to the US. This philanthropic practice is ingrained in the American culture.

The US has experienced mass migrations many times throughout its history. In 1980, hundreds of thousands of Cubans and Haitians arrived on Florida's southern shores seeking asylum. Special legislation was enacted creating the Cuban-Haitian Entrant category authorizing the Cuban and Haitian refugees to enter the US. Today the most urgent crisis is the Syrian refugees fleeing war and persecution. The US has welcomed thousands of these refugees for resettlement and plans to resettle thousands more. The extremist group ISIS intends to infiltrate the refugee programs of Western nations with terrorists for the purpose of committing terrorist attacks. With the possibility of a terrorist attack, Americans are concerned with the refugee approval process. This thesis will analyze that process.

Research Questions

Primary research question:

What criteria is applicable today for the approval of refugee status?

Secondary research questions:

1. What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today?
2. What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today?

Current Criteria for Refugee Status

What criteria is applicable today for the approval of refugee status? The INA is the governing body for immigration. The INA of 1952 is the basic body of current immigration law, and all subsequent enactments of immigration law are amendments to the INA of 1952 or laws based on the intent on the INA. The Refugee Act of 1980 amended the INA definition for refugee by specifying the categories of persecution as a “well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” (Refugee Act of 1980), and continues to be the current official criteria for refugee status. However, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 expanded the definition of refugee to include:

For the purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion. (IIRIRA of 1996)

An alien’s claim for refugee status may be supported by DOS country status reports, if those reports include reported incidents of persecution. If an alien qualifies for refugee status and is in the US or at a US port of entry, the alien may request asylum. The

IIRIRA of 1996 incorporated a time limit by which an alien must apply for asylum. The application for asylum has to be “filed within one year after the date of the alien’s arrival in the United States. Asylum shall not apply to an alien if the alien has previously applied for asylum and had such application denied” (IIRIRA of 1996). The Act mandates that asylum cannot be granted until the applicant’s information has been entered in and compared against all appropriate records or databases maintained by the Attorney General and by the Secretary of State, including the Automated Visa Lookout System, for proof of identity or alert to fraud (IIRIRA of 1996).

The process for an immigrant to resettle to the US under refugee status begins with a referral. Potential refugee applicants are prescreened, usually by UNHCR, before referral to DOS for resettlement. Registration and resettlement referral is based on vulnerability and eligibility assessment. US immigration laws place a high priority on family reunification, to include family members of refugees and asylees. Admissible family members of refugees and asylees are prioritized for entry into the US. The “Priority Three (P-3) family reunification program is for spouses, unmarried children under 21, and parents of persons lawfully admitted to the US as refugees or asylees” (USCIS 2016). Under the family reunification program, DOS has had to toughen its processing procedures. Deoxyribonucleic acid (DNA) testing has been integrated as standard practice to verify a child is actually related to the claimed parent. This became necessary when early DNA testing uncovered widespread fraud. As a result of the fraud, it was necessary to suspend the program from 2008 to 2012 until a more secure process was implemented (US DOS 2014).

The screening process is more rigorous for refugees than for immigrants entering the US on visas. Extensive refugee screening is performed by multiple organizations. Data is collected from the individual to be entered into multiple databases for cross referencing and cross checking. Security checks verify the individual's given name and any other name variants identified during interviews. All names and potential aliases are checked against all terrorist watch lists. Fingerprints, photograph, and signature are the biometrics taken for the biometric security check. Iris scan is an additional biometric collected from "Syrians, and other refugee populations in the Middle East" (Pope 2015).

There are instances when refugees flee without their documentation and are unable to prove his or her identity and country of origin. The only documentation to enter into the Worldwide Refugee Admission Processing System (WRAPS) and review during the interview and the security checks would be the application created with UNHCR. "Individuals who are approved by the US as refugees do not need a passport to enter the US. Travel documents which are accepted for entry in the US are prepared for the refugee and provided at the time of travel" (US DOS 2016b). DHS conducts the interview to determine eligibility, thoroughly scrutinizing documentation and database results, as well as watching for signs of deception or fraud.

1980 Cuban-Haitian Entrant Criteria

What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today? Prior to 1980, most Cubans emigrated to the US with DOS approved travel visas. Some Cubans traveled by boat to Florida arriving without an approved visa. The number of emigrants without visas was insignificant and easily processed by US Customs. Castro opened the Mariel port and informed the Cuban citizens that they were

free to leave. Consequently, thousands of immigrants took to the sea by boat and headed to the US. The Cuban immigrants arrived on US shores undocumented and requesting asylum. At the same time in 1980, thousands of immigrants from Haiti also took to the sea and headed to the US. The Haitians arrived to the US also seeking asylum.

Under the Refugee Act of 1980, the criteria for asylum required that the immigrants must first qualify for refugee status. According to immigration laws, the immigrants arrived undocumented and were, therefore, illegal immigrants who should have been deported or paroled during asylum proceedings. Government officials did not want to parole hundreds of thousands of Cuban and Haitian immigrants without first verifying their status and processing them properly. The Act allowed for the President to consult with Congress to resolve emergency situations, “If the President determines, after appropriate consultation, that (1) an unforeseen emergency refugee situation exists, (2) the admission of certain refugees in response to the emergency refugee situation is justified by grave humanitarian concerns or is otherwise in the national interest” (Refugee Act of 1980).

The Cuban immigrants did not qualify for refugee status because Castro allowed and facilitated the Cuban citizen’s departure. Their lives were repressed under the communist Cuban dictator, but the lure to emigrate to the US was driven by stories of a better life from family in the US. The Haitian immigrants did not qualify for refugee status because they were believed to be economic migrants. Because of this belief, initially Haitians who had arrived undocumented were immediately returned to Haiti. Many Haitians were interdicted at sea by the Coast Guard and returned. There was a loud, public protest from the Haitian-American community asking why the Cubans were

allowed to stay and the Haitians were returned. Complaints were filed by the community against the government citing discrimination.

The Attorney General had the discretion to parole an immigrant into the US while awaiting the results of the asylum claim. However, the Act specifically cited that “The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the US rather than be admitted as a refugee” (Refugee Act of 1980). Ultimately, the criteria for refugee specified in the Act did not apply to the undocumented Cuban and Haitian immigrants. Because 125,000 undocumented Cuban immigrants were already in the US, returning them to a communist country was not in the national interest. The President created the special Cuban-Haitian Entrant category for parole and entry into the US. Haitians were included in the new entrant category as returning the Haitians to their country of origin appeared discriminatory, which was a violation of immigration laws and not in national interest.

The criteria from the Cuban and Haitian boat lift crisis that is no longer applicable today is the Cuban-Haitian Entrant category. This special category applied only to the Cubans and Haitians who arrived to the US in 1980 during the boatlift crisis seeking asylum. The Cuban-Haitian Entrants still in the US two years after the boatlift crisis were allowed to update to LPR status. The criteria from the Cuban-Haitian boat lift crisis still applicable today is the requirement to qualify for refugee status to claim asylum. Also, still applicable today is the authority of the Attorney General. The Attorney General establishes the procedures for asylum, and may grant asylum to or parole an alien. The

Attorney General also determines the grounds for deportation and may rule an alien is inadmissible. Certain Cuban and Haitian nationals who are neither refugees nor asylees but “entrants” are still eligible for refugee resettlement programs.

What Can Be Learned?

What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today? Refugee assistance programs are organized in the best interest of the refugee to provide the assistance needed. The criteria for refugee status is written with the intention of processing refugees at an overseas location, as the term “refugee” is defined in all US immigration laws as a person outside of his or her country of nationality and not in the US. The requirement that the burden of proof shall be upon the individual claiming refugee status is necessary since a refugee processor with no intimate knowledge of the details may not fully comprehend the severity of the situation. Additionally, the burden of proof may flesh out an untold truth behind the claim.

The 1980 massive influx of Cubans and Haitians arriving by the thousands in only a few months overwhelmed the Immigration and Customs systems. Many immigrants arrived and entered the US before Customs was able to detain them. Those met by Customs in the early days of the crisis with asylum claims were paroled without full vetting by Immigration. Customs and Immigration were unaware of the crisis to come, but as the flow of incoming immigrants grew, camps were set up to house the immigrants awaiting entry. Known criminals were imprisoned, in numbers that quickly overburdened the US prison system, and unknown criminals were released into society. The overwhelming influx of arrivals were prohibitive to proper vetting. Europe has recently

experienced the identical situation with the Syrian refugees, resulting in terrorist attacks. What can be learned from the criteria required in 1980 is that, although immigration laws required the immigrants to meet the criteria, the criteria did not meet the immigrants confronting the US. Immigration laws allowed for this possibility by authorizing the President to consult with Congress to enact special legislation for crisis resolution, and for the Attorney General to exercise discretionary rulings when necessary.

What can be learned from the criteria changes enacted for the approval of refugee status today is that the definition of fear of persecution is prevailing. Modern security screening techniques are consistently changing due to advancing technologies and an ongoing threat. “USRAP incorporated additional security enhancements to safeguard the resettlement program from fraud and national security risks” (US DOS 2012). Screening is a multilayered process with multilevel requirements, but may not be enough. Biometric collection falls short of DNA, except in cases of family reunification. Iris scans are collected from only a select regional group of refugees.

Before the Trump Administration reduced the fiscal year 2017 refugee admission ceiling from 110,000 to 50,000, the US was on track with the plan to resettle more refugees from Near East/South Asia than any other time in recorded history, more refugees from Africa than in the past decade, and significantly exceed the fiscal year 2016 planned admission of 10,000 Syrian refugees (US DOS 2016a). The refugee resettlement program involves numerous organizations working together beginning with the refugee referral overseas to the welcoming organizations in the US that assist with housing and employment. Large, incremental increases on an annual basis requires a

concerted effort and cooperation at every level of the program. Incremental staffing increases would be required at every level to maintain screening integrity.

Summary

Mass migration of refugees around the world continues, and the US continues to be the nation that helps more than any other nation with the resettlement of refugees. The resettlement process requires extensive screening to ensure assistance is provided to those who truly are in need and meet refugee status criteria. Lessons learned from early mass migrations to the US are incorporated into refugee policies directing that refugee processing should occur at overseas locations for better control and increased surety of thorough screening.

Immigration laws throughout history have allowed the President, Congress, and the Attorney General to use discretion for the entry of refugees during humanitarian crises. The 1980 Cuban-Haitian mass migration required special legislation to create the Cuban-Haitian Entrant category to bring a semblance of order to the crisis. The requirement to qualify for refugee status in 1980 still applies today. But, the security threat of today and modern technology has resulted in an extensive screening process before approval for refugee resettlement to the US.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

Introduction

The 1980 mass migrations from Cuba and Haiti arriving on US southern shores caused the greatest mass migration crisis in recent US history. Today, the US has been accepting refugees from around the world at levels equivalent to mass migration. This thesis analyzed the similarities and differences in the refugee approval process for the 1980 Cuba-Haiti migration crisis and the approval process for the refugees currently resettled to the US.

Research Questions

Primary research question:

What criteria is applicable today for the approval of refugee status?

Secondary research questions:

1. What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today?
2. What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today?

Current Criteria for Refugee Status

What criteria is applicable today for the approval of refugee status? US policy is to screen refugees from an overseas location whenever possible. Terrorist infiltrating the Syrian refugee migration to Europe and the resulting terrorist attacks supports a recommendation that refugees should remain at an overseas location until vetting is final.

The UNHCR prescreening for referral is a necessary step in the resettlement process. This will cull those who obviously do not have a legitimate fear of persecution. The prescreening is also an educational opportunity to clarify that fear of persecution is specific to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Fear, with regard to refugee status, does not apply to famine or natural disasters, although the refugee's claim may meet UNHCR refugee standards.

Individuals without identity documents who are referred and approved for refugee status and resettlement to the US do not need a passport to enter the US. They will travel on documents prepared for the refugee and provided at the time of travel. Applicants without proof of identity may provide inaccurate information that would not flag a security threat. The misinformation may be a result of a language barrier, the applicant may go by a moniker not identified in a database, or there may be spelling errors or confusion between the first name and surname. Consequently, a connection to bad actors may not be known or discovered during the interview. Recommend that refugees who arrive at a refugee processing center without proof of identity not be referred for resettlement in the US. These individuals should be resettled in another country participating in the refugee resettlement program.

1980 Cuban-Haitian Entrant Criteria

What criteria from the Cuban and Haitian boat lift crisis is applicable or no longer applicable today? A mass migration of aliens arrived on Florida's southern shores from two nations, 125,000 Cubans and 25,000 Haitians, all undocumented. The overwhelming influx of arrivals was prohibitive to proper vetting, but it was quickly determined that the

Cubans and Haitians did not qualify for refugee status rendering them ineligible for asylum. Rather than return 150,000 undocumented immigrants, a special category of Cuban-Haitian Entrant was created to allow the immigrants entry into the US. The Cuban-Haitian Entrant category is no longer applicable. Cubans have been shown preferential treatment since the 1950s. Now that full diplomatic relations have been restored, Cuban requests to enter the US are now processed the same as other nations.

In 1980, Cubans were the larger group, and the group to receive more favorable treatment. The US treated the Cubans more favorably with the belief that the Cubans fleeing reinforced the virtues of the American system by rejecting communism. Fidel Castro considered the Cubans exiles and dangerous since they ideologically opposed communism in Cuba (Engstrom 1997, 25). Recommend that a policy so favorable and nearly exclusive to only one nation of refugees be avoided.

The open-door policy for Cuban immigrants and lax criteria for refugee status was too liberal and inviting. US policies enabled Castro to use these policies and his citizens as a weapon of mass migration against the US. Opening the port to rid Cuba of all dissidents had the potential to distill the nation of Cuba to a homogenous communist society thus, ensuring the threat of war would remain at the US doorstep. Since Cuba was ideologically aligned with the Soviet Union, the mass migrations experienced prior to the Soviet Union collapse increased the potential for a subversive communist spy to be embedded among the refugees. Fidel Castro did successfully imbed criminals and the mentally ill within the 1980 Cuban refugees.

What Can Be Learned?

What can be learned from the criteria required in 1980 and the changes enacted for the approval of refugee status today? The 1980 Cuban-Haitian boatlift crisis is an example that immigration laws are discretionary and arbitrary with the ad hoc creation of the Cuban-Haitian Entrant category. The boatlift crisis spiraled out of control because the number of refugees far outnumbered the capabilities of an immigration program. The magnitude of incoming refugee numbers at mass migration levels may weaken the infrastructure of the current refugee program. Recommend that refugee resettlement goals be set to realistic capabilities of the weakest link in the chain, rather than to superlative goals such as, “The United States aims to ensure that at least 50 percent of all refugees referred by UNHCR worldwide are considered for resettlement in the United States, depending on the availability of funds. Some 64 percent of UNHCR-referred refugees who were resettled in 2015, were resettled in the United States. The United States is by far the largest single donor to UNHCR, providing over \$1.33 billion in FY 2015” (US DOS 2016a). The US is the largest refugee resettlement country in the world, admitting approximately two-thirds of all refugee resettlement referrals worldwide each year (US DOS, 2017c).

Some of the wealthiest nations in the world are located in the Middle East, and many are UN members, which governs the UNHCR. Most of these nations do not participate in the refugee resettlement program. Numerous nations, not just the wealthiest, simply do not want to deal with the issue of refugees. It appears that the US is trying to absorb the bulk of the refugees and fund the bulk of the refugee program, enabling disinterested nations to continue ignoring the refugee crisis. Recommendation is

that UN membership require fair share resettlement participation with regard to refugees as a humanitarian imperative.

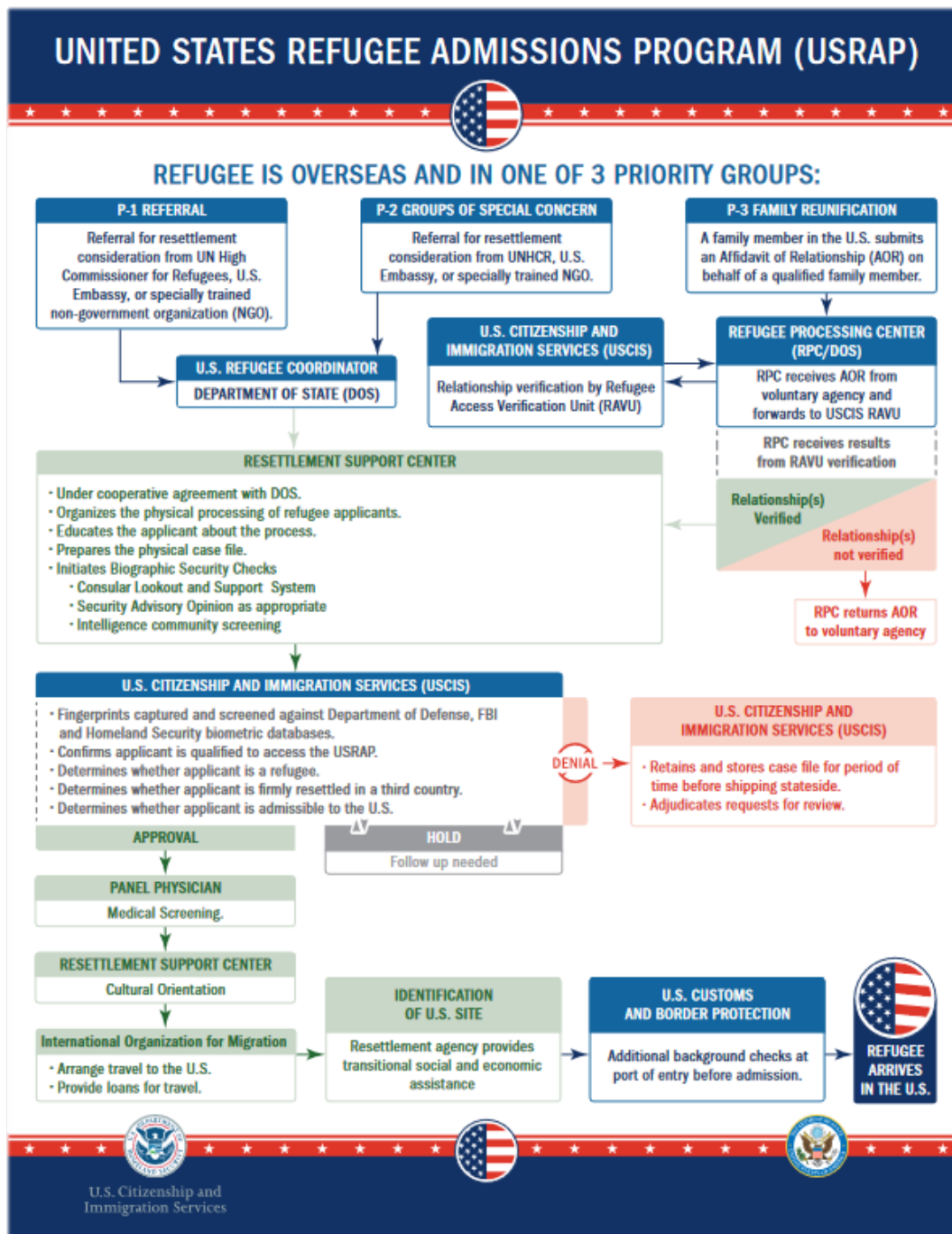
Summary

The US is an integral part of the refugee resettlement program working closely with UNHCR, interagency partners, NGOs, and humanitarian organizations on effective processes starting with the refugee referral process to the resettlement of the refugee in the US. Multiple agencies conduct security and medical screenings ensuring the refugee is not a security or health threat to the nation. US refugee laws mandate the procedures for Customs and Immigrations on the requirements for refugee status. The laws are periodically amended to update procedures or enact laws for specific situations not covered under existing immigration laws.

Throughout the history of the nation, most immigrants have adapted to the American way of life and coexist in a peaceful, progressive society. The American way of life is not perceived favorably by Islamic Fundamentalist who reject Westernizing influences. Many Americans are troubled that resettling refugees from the Middle East and Africa who reject the American way of life will not assimilate. The concern is that instead the refugees will commit terrorist attacks against the nation, or provide support to terrorist who have managed to infiltrate the refugee programs and are planning attacks. A refugee program that focuses more on enhanced security screening techniques rather than exponential annual increases of refugee admissions may allay the American public's concerns.

APPENDIX A

UNITED STATES REFUGEE ADMISSIONS PROGRAM FLOWCHART



Source: US Citizenship and Immigration Services Refugee Processing and Security Screening, Flowchart

APPENDIX B

US DEPARTMENT OF STATE

THE REFUGEE PROCESSING AND SCREENING SYSTEM

1. Registration and Data Collection – Refugees in need of protection apply for refugee resettlement. The information is transferred to a DOS RSC. The RSC conducts an in-depth interview and enters the applicant's documentation into the DOS Worldwide Refugee Admission Processing System (WRAPS), cross references and verifies data, and sends the information necessary to conduct a background check to other agencies.
2. Security Checks Begin (Appendix C) – US national security agencies, including the National Counterterrorism Center, FBI, DHS, as well as the intelligence community, begin screening the applicant using the data transmitted from the RSCs. The screening checks for security threats, including connections to known bad actors, and past immigration or criminal violations. For Syrian applicants, DHS conducts an additional enhanced review. Refugees are screened more carefully than any other type of travelers to the US.

DOS initiates the Consular Lookout and Support System (CLASS) name check for all refugees when they are being prescreened by an RSC. Name checks are conducted on the applicant's primary name as well as any variations used by the applicant. The DOS owned CLASS contains records provided by numerous agencies and includes information on individuals who have been denied visas, immigration violations, criminal histories, and terrorism concerns, as well as intelligence information and child support enforcement data.

3. DHS Interview – Security screening results from each agency are transmitted back to DHS and DOS. Specially trained DHS officers review initial screening results, conduct in-person interviews in the host country, and collect biometric data from the applicants. The DHS interview confirms the information collected from the previous interviews conducted by the DOS RSCs. With each interview, data is verified in person and in WRAPS. If new information emerges during the interview, the information is entered into WRAPS and additional security checks are conducted. For example, if a new name or variation is identified at the interview, USCIS requests another CLASS name check on the new name and places the case on hold until that response is received (Citizenship and Immigration Services: Refugee Screening 2015). If inconsistencies emerge at any point, the case is put on hold until the inconsistencies are resolved. Once all interviews and checks are complete, DHS adjudicates the case, the decision is entered into WRAPS, and the process continues.
4. Biometric Security Checks – Fingerprints collected by U.S. government employees are stored in a DHS database and screened against:

- a. The FBI biometric database;
 - b. The DHS biometric database, which includes watch-list information and previous immigration encounters in the U.S. and overseas; and
 - c. The U.S. Department of Defense database, which includes fingerprints obtained around the world. These fingerprint screening results are reviewed by DHS. Cases with any problematic results are denied. Otherwise, the process continues.
5. Cultural Orientation: Applicants complete a class designed to teach them about American culture, customs, and practices.
Medical Check: All refugees approved by DHS undergo a medical screening to identify diseases of public health significance. The results of the medical examination are entered into WRAPS. If a case is cleared after the medical check, the process continues.
6. Assignment to Domestic Resettlement Locations and Travel – Representatives from the domestic resettlement agencies meet weekly and review applicant information transmitted from the RSCs via WRAPS to determine where to resettle each refugee. Once placement decisions are made, the placement is recorded in WRAPS, and the refugee is notified of their destination. The IOM books travel for the refugees. Prior to entry in the US, applicants are subject to screening from CPB, and Transportation Security Administration's Secure Flight Program. Applicants with no security concerns continue their travel.
7. Arrival in the US – Applicants arrive in the US, where representatives from the domestic resettlement agencies welcome refugees at the airport and begin the process of helping them settle in to their new communities.

Source: US Department of State The Refugee Processing and Security Screening System

APPENDIX C

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

FACT SHEET: REFUGEE SECURITY SCREENING

U.S. Citizenship and Immigration Services (USCIS) is deeply committed to safeguarding the American public from threats to public safety and national security, just as we are committed to providing refuge to some of the world's most vulnerable people. We do not believe these goals are mutually exclusive, or that either has to be pursued at the expense of the other.

This fact sheet provides information about the security screening and background checks required by the U.S. Refugee Admissions Program (USRAP). The USRAP is an interagency effort involving a number of governmental and non-governmental partners both overseas and in the United States. Applicants for refugee resettlement are subject to the highest degree of security screening and background checks for any category of traveler to the United States.

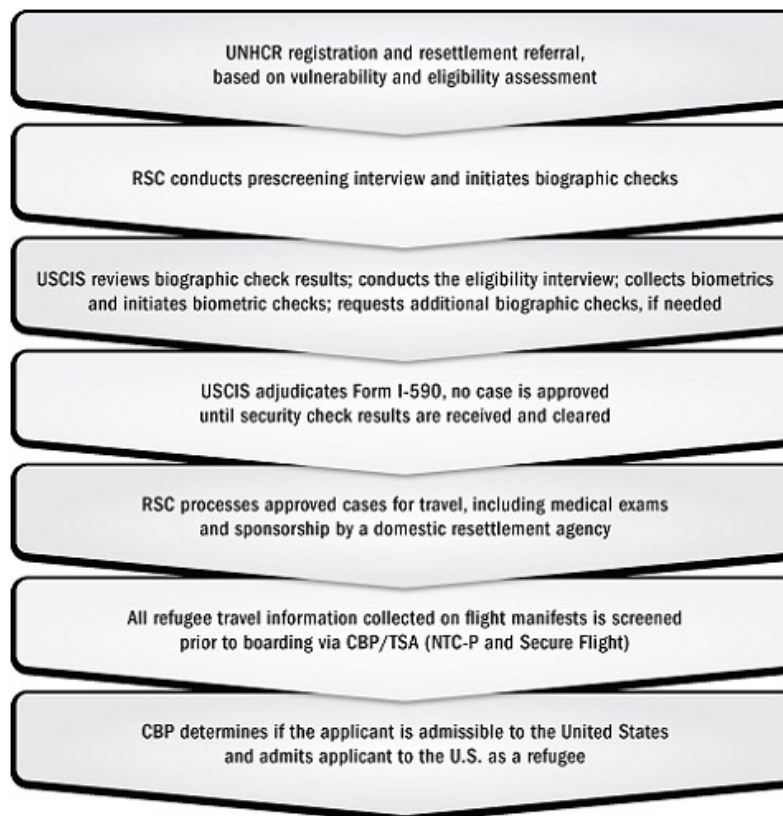
All refugee applicants receive a standard suite of biographic and biometric security checks. Through close coordination with the federal law enforcement and intelligence communities, these checks are continually reviewed to identify potential enhancements and to develop approaches for specific populations that may pose particular threats. All case members included on a refugee application must clear security checks for that application to be approved.

Processing priorities are established annually that determine which of the world's refugees are "of special humanitarian concern to the United States," i.e., eligible to be considered for possible resettlement in the United States. Fitting into a processing priority gives a refugee applicant the opportunity for an interview with a USCIS officer but does not guarantee approval. The priorities currently in use are:

- Priority 1: UN High Commissioner for Refugees, U.S. Embassy, or specially-trained non-governmental organization (NGO) identified cases, including persons facing compelling security concerns, women-at-risk, victims of torture or violence and others in need of resettlement
- Priority 2: Groups of special concern identified by the U.S. refugee program (e.g., Bhutanese in Nepal)
- Priority 3: Family reunification cases (i.e., spouses, unmarried children under 21, and parents of persons lawfully admitted to the U.S. as refugees or asylees or persons who are legal permanent residents or U.S. citizens who previously had refugee or asylum status) USCIS' adjudication of Form I-590, Registration for Classification as a Refugee, is only one part of the broader USRAP:

- The United Nations High Commissioner for Refugees (UNHCR) identifies and refers certain cases to the USRAP for resettlement and provides important information about the worldwide refugee situation. Department of State (State) has overall coordination and management responsibility for the USRAP and has the lead in proposing admissions ceilings and processing priorities.
- Resettlement Support Centers (RSCs), under cooperative agreements with State, carry out administrative and processing functions, such as file preparation and storage, data collection, and out-processing activities.
- USCIS is responsible for conducting individual interviews with applicants to determine their eligibility for refugee status, including whether they meet the refugee definition and are otherwise admissible to the United States under U.S. law.

General Refugee Process



USRAP Screening

USRAP screening includes both biometric and biographic checks, which occur at multiple stages throughout the process, including immediately before a refugee's departure to the United States as well as upon arrival in the United States.

The screening of refugee applicants involves numerous biographic checks that are initiated by the RSCs and reviewed/resolved by USCIS. These include.

- Department of State Consular Lookout and Support System (CLASS) CLASS name checks are initiated by State for all refugee applicants at the time of prescreening by State's contractor — the RSC. Name checks are conducted on the applicant's primary names as well as any variations used by the applicant. Responses are received prior to interview and possible matches to applicants are reviewed and adjudicated by USCIS Headquarters. Evidence of the response is forwarded for inclusion in the case file. If there is a new name or variation developed or identified at the interview, USCIS requests another CLASS name check on the new name, and the case is placed on hold until that response is received.
- Security Advisory Opinion (SAO) The SAO is a State-initiated biographic check conducted by the Federal Bureau of Investigation and intelligence community partners. SAO name checks are initiated at the time of pre-screening by the RSC for the groups and nationalities designated by the U.S. government as requiring this higher-level check. SAOs are processed, and a response must be received prior to finalizing the decision. If there is a new name or variation developed at the interview, USCIS requests that another SAO be conducted on the new name, and the case is placed on hold until that response is received.
- Interagency Check (IAC) The IAC screens biographic data, including names, dates of birth and other data points of all refugee applicants within designated age ranges. This information is captured at the time of pre-screening and is provided to intelligence community partners. This screening procedure was initiated in 2008 and has expanded over time to include a broader range of applicants and records. These checks occur throughout the process.

At the time of USCIS interview, USCIS staff collects fingerprints and initiates biometric checks. The biometric checks initiated by USCIS for refugee applicants include:

- FBI Fingerprint Check through Next Generation Identification (NGI) Recurring biometric record checks pertaining to criminal history and previous immigration data.
- DHS Automated Biometric Identification System (IDENT - f/n/a US-VISIT) A biometric record check related to travel and immigration history for non-U.S.

citizens as well as immigration violations, and law enforcement and national security concerns. Enrollment in IDENT also allows CBP to confirm identity at the port of entry.

- DOD Defense Forensics and Biometrics Agency (DFBA)'s Automated Biometric Identification System (ABIS)i A biometric record check of DOD holdings collected in areas of conflict (predominantly Iraq and Afghanistan). DOD screening began in 2007 for Iraqi applicants and was incrementally expanded to all nationalities by 2013. CBP's National Targeting Center Passenger (NTC-P) conducts biographic vetting of all ABIS biometric matches (both derogatory and benign) against various classified and unclassified U.S. government databases.

USCIS Interview

The USCIS refugee interview itself, though not a traditional system check, is also a vital part of the refugee screening process. Highly trained USCIS officers conduct extensive interviews with each refugee applicant to elicit information about the applicant's claim for refugee status and admissibility.

During the interview, the officer:

- Confirms the basic biographical data of the applicant;
- Verifies that the applicant was properly given access to the USRAP;
- Determines whether the applicant has suffered past persecution or has a well-founded fear of future persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion in his or her home country; and
- Determines whether the applicant is admissible to the United States and whether he or she has been firmly resettled in another country.

The officer develops lines of questioning to elicit information regarding any involvement in terrorist activity, criminal activity or the persecution/torture of others, and conducts a credibility assessment on each applicant. USCIS officers receive training on country-specific issues for populations they interview, including briefings from outside experts from the intelligence, policy and academic communities.

Controlled Application Review and Resolution Process (CARRP)

During the routine process of adjudicating any USCIS benefit, if any national security concerns are raised, either based on security and background checks or personal

interviews or testimony, USCIS conducts an additional review through the internal CARRP process.

Syria Enhanced Review

USCIS' Refugee, Asylum and International Operations Directorate and Fraud Detection and National Security Directorate (FDNS) have collaborated to provide for enhanced review of certain Syrian cases. This review involves FDNS providing intelligence-driven support to refugee adjudicators, including threat identification, and suggesting topics for questioning. FDNS also monitors terrorist watch lists and disseminates intelligence information reports on any applicants who are determined to present a national security threat.

CBP Screening

An applicant with a USCIS-approved Form I-590, Registration for Classification as a Refugee, must be found admissible to the United States by Customs and Border Protection (CBP) before receiving refugee status. CBP receives a manifest of all individuals who have approved Forms I-590 and have been booked for travel to the United States by air. CBP receives this manifest eight days before the scheduled travel. CBP performs initial vetting of the individuals before they arrive at a U.S. airport and conducts additional background checks of these individuals upon arrival at a U.S. airport.

Source: US Citizenship and Immigration Services Refugee Processing and Security Screening, Fact Sheet

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